

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DOLLIE SUGGARS, *et al.*,

Plaintiffs,

v.

AMAZON.COM, INC., AMAZON.COM.
DEDC, LLC, and SMX, LLC,

Defendants.

3:13-cv-00906

Judge Trauger

Magistrate Judge Bryant

PLAINTIFFS' MOTION FOR ENTRY OF FINAL JUDGMENT

Pursuant to Federal Rule of Civil Procedure 68 and Local Rule 68.01(d)(4), Plaintiffs hereby move this Court to enter an order directing the Clerk of the Court to enter final judgment in this case.

On October 9, 2013, Named Plaintiffs Suggars, McGaughy, and Dickson, as well as every opt-in Plaintiff in this case, filed notice that Plaintiffs had accepted Defendants' Rule 68 offers of judgment. (Doc. Nos. 68 & 69).

Under Rule 68, once plaintiffs have accepted and filed the offers of judgment, "[t]he clerk must then enter judgment." *See also* Local Rule 68.01(d)(4) ("Where the offer of judgment is accepted, the Clerk is required to enter judgment under Rule 68 that is deemed a Final Order of Judgment subject to appeal."). Under Federal Rule of Civil Procedure 54(d)(2)(B), Plaintiffs' counsels' time to petition the Court for statutory attorney's fees under 29 U.S.C. § 216(b) does not begin to run until after a judgment is entered.¹ Accordingly, in the interest of bringing this

¹ The offers of judgment specifically offer plaintiffs, in addition to the individualized dollar amounts stated, "an award of reasonable attorney's fees, litigation expenses, and costs of suit as allowed by law and in an amount to be determined by the Court upon appropriate submissions by counsel." (Doc. Nos. 68-1 at 2; 68-2 at 2; 68-3 at 2; 68-4 at 2; 68-5 at 2; 68-6 at 2; 69-1 at 2; 69-2 at 2; 69-3 at 2; 69-4 at 2; 69-5 at 2; 69-6 at 2; 69-7 at 2; 69-8 at 2; 69-9 at 2).

case to a close, Plaintiffs request that the Court enter an order directing the Clerk of the Court to enter Final Judgment in this case.

Date: October 18, 2013

Respectfully submitted,

/s/ David W. Garrison

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CERTIFICATE OF SERVICE

I hereby certify that on this the 18th day of October, 2013, a true and exact copy of the *Plaintiffs' Motion for Entry of Final Judgment*, has been served on the following via the Court's ECF filing system:

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